REMARKS

The Office Action mailed August 1, 2002 has been reviewed and carefully considered. Claims 1 and 6 have been amended. Claims 1-7 are pending in this application, with claim 1 being the only independent claim. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

In the Office Action mailed August 1, 2002, the drawings are objected to as failing to show every feature in the claims. More specifically, the Office Action states that the headphone and media player referenced in claims 6 and 7 must be shown. It is respectfully submitted that the media player recited in claim 6 is shown in Fig. 1 as reference character 16 and described on page 7, lines 6-7 and page 8, lines 13-16. Regarding the "headphone", claims 6 and 7 actually recite a "portion of a headphone". The specification has been amended at page 7, lines 14-15 to clarify that the reference character 32 in Fig. 2 is a headphone cord, which is a portion of a headphone, as recited in claims 6 and 7. Support for this amendment is found in claim 7 and on page 7, lines 3-5 of the specification. In view of the above amendments and remarks, it is respectfully requested that the objection to the drawings now be withdrawn.

Claims 1-3 stand rejected under 35 U.S.C. §102(a) as anticipated by WO 99/35830 (Thomson).

Claims 4-5 stand rejected under 35 U.S.C. §103 as unpatentable over Thomson in view of U.S. Patent No. 6,208,335 (Gordon).

Claims 6-7 stand rejected under 35 U.S.C. §103 as unpatentable over Thomson in view of WO 83/03181 (Maruoka).

Before discussing the cited prior art and the Examiner's rejections of the claims in view of that art, a brief summary of the present invention is appropriate. The present invention relates to a portable rating apparatus including a user-manipulable control configured for rating a media content, i.e., audio/video content, with respect to a number of predefined categories of preferences. As a media content is played by a media player, the user rates the content by actuating the user-manipulable control to generate a signal indicating a rating of the media. The device is used with a media player 16 which includes a processor 14 and a memory 18. The processor receives the signal and associates the rating of media indicated by the signal with the currently playing media content. The memory device is operatively connected to the processor and stores the user-supplied rating in a list of ratings 18a. The inventive device allows a user to rate the media content and save the rating associated with the media content in the memory. The processor then generates a broadcast from the media content stored in the memory based on the ratings. Accordingly, the processor can play the most favored media content more often than the least favored media content. Furthermore, the media device is a portable device, which is usually personal device. Accordingly, a user may create a personal rating list in the memory of the portable device, enabling the user to categorize the media contents so that selections of media content played by the media device are personalized.

Independent claim 1 has been amended to clarify that the user manipulable control generates a signal indicating a rating of a currently played media content in response to a user supplied rating. This amendment is supported on page 4, lines 8-10. Independent claim 1 is further amended to recite that the processor and memory are part of a portable media player. This amendment is supported at page 7, lines 6-9, and claim 6. Finally, independent has been

amended to recite a memory device including a dynamically updated ratings list for storing a list of user-supplied ratings associated with media content, the memory device operatively connected to the processor for storing the user-supplied rating associated with the currently played media content in the ratings list, wherein the processor is further operable for ranking the media content in response to the user-supplied ratings in the ratings list and selectively downloading and playing media content based on the user-supplied ratings in the ratings list. Support for this recitation is found in the specification on page 6, lines 15-20 and page 8, line 1, to page 9, line 4. Furthermore, Fig. 1 and the specification are amended to show the ratings list 18a in the memory.

Thomson fails to teach or suggest a portable multimedia player having a processor and memory in which ratings input by a user are ranked by the processor and used by the portable multimedia player to selectively download and play media content.

In contrast to the present invention, Thomson discloses a video program guide apparatus and method for selecting a program for viewing. The guide apparatus includes a receiver 400R for receiving signals transmitted from a satellite or other transmitter. The receiver includes a microprocessor 415R which controls the receiver and executes a program subroutine to provide features. One of the features is for rating a program being watched by the user. The user indicates his desire to rate a program he has watched or is watching with a remote control device 450R. In an embodiment described in Thomson, the user manipulates an up arrow or a down arrow until the desired rating appears on the TV screen. The rating is saved in a memory 421R and is used by the device to make future viewing recommendations to the user. The actual signal source of the media content is sent to the receiver from a signal source 401 remote from the memory 421R. Accordingly, Thomson fails to teach or suggest that the ratings are used by the

processor to selectively play media content. Instead, Thomson teaches that the rating is used to help a user determine which programs of a large number of available programs may be of interest to the user. The ratings do not control which program, i.e., what media, are sent to the user. Rather, Thomson only provides a suggestion of which programs a user may be interested in based on the ratings. The "suggestions" provided by the Thomson device fail to teach or suggest a processor "operable for ranking the media content in response to the user-supplied ratings in the ratings list and selectively downloading and playing media content based on the user-supplied ratings in the ratings list", as recited in independent claim 1.

Since Thomson discloses that the actual signal source of the media content is sent to the receiver from a signal source 401 remote from the memory 421R, Thomson also fails to teach or suggest the limitation which requires "a portable media player comprising a processor and a memory device", as recited in independent claim 1.

Accordingly, it is respectfully submitted that independent claim 1, as amended, is now allowable over Thomson.

Dependent claims 2-7, being dependent on independent claim 1, are allowable for at least the same reasons as independent claim 1.

In addition, since Thomson discloses that the actual signal source of the media content is sent to the receiver from a signal source 401 remote from the memory 421R, Thomson fails to teach or suggest that the memory device stores the media content, as recited in independent claim 2. Accordingly, it is respectfully submitted that dependent claim 2 is allowable over Thomson for these additional reasons.

The application is now deemed to be in condition for allowance and notice to that effect is solicited.

It is believed that no fees or charges are currently due. However, if any fees or charges are required at this time in connection with the application, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
COHEN, PONTANI, LIEBERMAN & PAVANE

By _____

Michael C. Stuart
Reg. No. 35,698
551 Fifth Avenue, Suite 1210
New York, New York 10176
(212) 687-2770

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AMENDMENTS TO THE SPECIFICATION AND CLAIMS SHOWING CHANGES

In the Specification:

Replace the paragraph starting on page 6, line 15, with the following amended paragraph:

--The processor 14 plays media contents stored in a memory device 18 and, upon receipt of the rating signal from the user-manipulable control 12, the processor 14 associates the user-indicated rating with a currently playing media content. The processor 14 then stores the content rating in the memory device 18 as the user rates each media content and thereby compiles a ratings list 18a. Based on the stored content ratings, the processor 14 selectively plays, using a conventional algorithm, a media content preferred or probably preferred by the user.--

Replace the paragraph starting on page 7, line 10, with the following amended paragraph:

--As shown in Fig. 2, an exemplary multi-button switch 20 is constructed to have five depressible buttons 22-30 corresponding to five categories of preferences, with the first button 22 indicating the most positive or highest rating and the fifth button 30 indicating the most negative or lowest rating. The buttons 24-28 indicate intermediate levels of ratings between the most positive and the most negative ratings. The switch 20 may be connected to a cord 32 of a headphone wired to the media player 16.--

Replace the paragraph starting on page 8, line 13, with the following amended paragraph:

--In use, as the media player 16 plays a media content, the user rates the currently playing media content by manipulating the user-manipulable control 12. The user-

indicated rating is then communicated to the processor 14, which compiles a content ratings list 18a for storage in memory device 18 as the media player 16 plays each media content. The ratings list may be arranged in either an ascending order or descending order such that the most highly rated media content is placed at one end of the list while the least favorite, at another end of the list. As the user changes his or her ratings of the media contents during subsequent playing, the ratings list 18a is correspondingly updated. The user's ratings list may later be transmitted to a server configured for compiling ratings data from various users. Using any known automated collaborative filtering method, the server may provide recommendations to this and other users based on the compiled ratings data. For example, the server may recommend an item, e.g., a book or a music compact disc, based on the ratings of the item by users with similar preferences.--

In the Claims:

Amend claims 1 and 6 as follows:

1. (Amended) A portable rating apparatus [for rating media content], comprising:

a user-manipulable control dedicated for generating a signal indicating a user-supplied rating of [the] a currently played media content in response to a user-supplied rating, the user-supplied rating corresponding to one of a plurality of predefined categories of preferences; and

a portable media player comprising a processor and a memory device, said processor operatively connected to said user-manipulable control[,] for receiving the signal from said user-manipulable control and for associating the user-supplied rating with the currently played media content[; and a], and said memory device including a dynamically updateable ratings list for storing a list of user-supplied ratings associated with media content, said memory device operatively connected to said processor[,] for storing the user-supplied rating associated with the currently played media content in the ratings list, wherein said processor is further operable for ranking the media content in response to the user-supplied ratings in the ratings list and selectively downloading and playing media content based on the user-supplied ratings in the ratings list.

6. (Amended) The device of claim 1, wherein the user-manipulable control is attachable to a portion of a headphone [and the processor and the memory device are attachable to a media player].